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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INFINITY HEADWARE & APPAREL,

Plaintiff,

- against -

JAY FRANCO & SONS, et al.,

Defendants.

ORDER

15-CV-1259 (JPO) (RLE)

RONALD L. ELLIS, United States Magistrate Judge:

Plaintiff Infinity Headwear & Apparel ("Infinity") brings this action for patent infringement under Title 35, United States Code. (Doc. No. 1.) On September 8, 2015, Infinity filed its Opening Claim Construction Brief and Memorandum in Support. (Doc. No. 96.) Defendants Jay Franco & Sons, et al., filed their responsive brief on October 8, 2015. (Doc. No. 99.) In support of their position, Defendants also submitted a declaration by an expert, Dr. David Brookstein. (Doc. No. 101.)

In a letter motion dated October 8, 2015, Infinity raised objections to Defendants' responsive brief on several grounds. First, Infinity moved to strike the 35-page brief because it exceeded the 25-page limit for memoranda of law in support or opposition to a motion in Judge Oetkin's Individual Rules. Second, Infinity asked the Court to order a meet and confer between the parties regarding the scheduling of a deposition of Dr. Brookstein, and that Infinity's reply brief be due seven (7) days after the transcript of that deposition is made available to the parties.

IT IS HEREBY ORDERED THAT:

(1) Infinity's motion to strike Defendants' Responsive Claim Construction Brief is **DENIED**.

(2) Infinity's motion to extend the deadline for its reply based on the completion date of Dr. Brookstein's deposition is **DENIED**.

(3) Infinity may file its reply to Defendants' Responsive Claim Construction Brief no later than **October 21, 2015**.

SO ORDERED this 14th day of October 2015
New York, New York

The Honorable Ronald L. Ellis
United States Magistrate Judge